



Judiciary Committee

Wednesday, March 15, 2006

8:00 A.M. – 11:00 A.M.

Morris Hall

(17 HOB)

Amendment Packet

**EXPLANATION OF AMENDMENTS HB 129:
FIREARMS IN VEHICLES - by Rep. Baxley**

Amdt 1 by Reps. Simmons and Baxley (remove everything after the enacting clause):

TEMPORARILY POSTPONED AT LAST MEETING

This strike-all amendment differs from the bill as filed by narrowing the scope of the bill, removing the criminal penalty and providing a civil penalty, and providing exceptions and exemptions to the bill.

Amdt to the Amdt 1a by Rep. Kottkamp (lines 167-198):

This amendment to the amendment proposed to removed some of the immunity language and the opt out provisions for some employers.

FAILED

Amdt 2 by Reps. Baxley and Kottkamp (remove everything after the enacting clause):

This strike-all amendment differs from the bill as filed by narrowing the scope of the bill, removing the criminal penalty and providing a civil penalty, and providing exceptions and exemptions to the bill. The amendment renames the bill “an Act relating to the protection of constitutional rights.” The amendment includes public employers, but specifically exempts out schools and prisons, as well as some other employers.

The amendment provides that a public or private entity may not prohibit employees, customers, and other invitees from possessing any **lawfully held personal property** if such property is locked inside or to a private motor vehicle in a parking lot.

The amendment provides for enforcement by the Attorney General with the possibility of injunctive relief and a civil fine of up to \$10,000, per aggrieved employee or invitee, for each violation of the prohibition.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 129**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Council/Committee hearing bill: Judiciary

Representatives Simmons and Baxley offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 790.25, Florida Statutes, is amended to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons.--

(1) DECLARATION OF POLICY.--The Legislature finds as a matter of public policy and fact that it is necessary to promote firearms safety and to curb and prevent the use of firearms and other weapons in crime and by incompetent persons without prohibiting the lawful use in defense of life, home, and property, and the use by United States or state military organizations, and as otherwise now authorized by law, including the right to use and own firearms for target practice and marksmanship on target practice ranges or other lawful places, and lawful hunting and other lawful purposes.

(2) USES NOT AUTHORIZED.--

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(a) This section does not authorize carrying a concealed weapon without a permit, as prohibited by ss. 790.01 and 790.02.

(b) The protections of this section do not apply to the following:

1. A person who has been adjudged mentally incompetent, who is addicted to the use of narcotics or any similar drug, or who is a habitual or chronic alcoholic, or a person using weapons or firearms in violation of ss. 790.07-790.12, 790.14-790.19, 790.22-790.24.+

2. Vagrants and other undesirable persons as defined in s. 856.02.+

3. A person in or about a place of nuisance as defined in s. 823.05, unless such person is there for law enforcement or some other lawful purpose.

(3) LAWFUL USES.--The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(a) Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard, organized reserves, and other armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization.+

(b) Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty.+

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50 (c) Persons carrying out or training for emergency
51 management duties under chapter 252.†

52 (d) Sheriffs, marshals, prison or jail wardens, police
53 officers, Florida highway patrol officers, game wardens, revenue
54 officers, forest officials, special officers appointed under the
55 provisions of chapter 354, and other peace and law enforcement
56 officers and their deputies and assistants and full-time paid
57 peace officers of other states and of the Federal Government who
58 are carrying out official duties while in this state.†

59 (e) Officers or employees of the state or United States
60 duly authorized to carry a concealed weapon.†

61 (f) Guards or messengers of common carriers, express
62 companies, armored car carriers, mail carriers, banks, and other
63 financial institutions, while actually employed in and about the
64 shipment, transportation, or delivery of any money, treasure,
65 bullion, bonds, or other thing of value within this state.†

66 (g) Regularly enrolled members of any organization duly
67 authorized to purchase or receive weapons from the United States
68 or from this state, or regularly enrolled members of clubs
69 organized for target, skeet, or trap shooting, while at or going
70 to or from shooting practice; or regularly enrolled members of
71 clubs organized for modern or antique firearms collecting, while
72 such members are at or going to or from their collectors' gun
73 shows, conventions, or exhibits.†

74 (h) A person engaged in fishing, camping, or lawful
75 hunting or going to or returning from a fishing, camping, or
76 lawful hunting expedition.†

77 (i) A person engaged in the business of manufacturing,
78 repairing, or dealing in firearms, or the agent or

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representative of any such person while engaged in the lawful course of such business.†

(j) A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place.†

(k) A person firing weapons in a safe and secure indoor range for testing and target practice.†

(l) A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession.†

(m) A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business.†

(n) A person possessing arms at his or her home or place of business.†

(o) Investigators employed by the several public defenders of the state, while actually carrying out official duties, provided such investigators:

1. Are employed full time;

2. Meet the official training standards for firearms established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(5) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the employing public defender and filed with the clerk of the circuit court in the county in which the employing public defender resides.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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(p) Investigators employed by the capital collateral representative, while actually carrying out official duties, provided such investigators:

1. Are employed full time;

2. Meet the official training standards for firearms as established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(1) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the capital collateral representative and filed with the clerk of the circuit court in the county in which the investigator is headquartered.

(4) CONSTRUCTION.--This act shall be liberally construed to carry out the declaration of policy herein and in favor of the constitutional right to keep and bear arms for lawful purposes. This act is supplemental and additional to existing rights to bear arms now guaranteed by law and decisions of the courts of Florida, and nothing herein shall impair or diminish any of such rights. This act shall supersede any law, ordinance, or regulation in conflict herewith.

(5) POSSESSION IN PRIVATE CONVEYANCE.--Notwithstanding subsection (2), it is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm or other weapon for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. Nothing herein contained prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. Nothing herein

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contained shall be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other weapons, including lawful self-defense as provided in s. 776.012.

(6) STORAGE AND TRANSPORT OF FIREARMS LOCKED INSIDE OR LOCKED TO A MOTOR VEHICLE IN A PARKING AREA; PENALTY; IMMUNITY FROM LIABILITY.--

(a) As used in this subsection, the term:

1. "motor vehicle" means any automobile, truck, minivan, sports utility vehicle, motorcycle, motor scooter, or any other similar vehicle required to be registered under Florida law.

2. "employee" means any person who works for salary, wages, or other remuneration; is an independent contractor; or is a volunteer, intern, or other similar individual for an employer.

3. "employer" means any business that is a sole proprietorship, partnership, corporation, limited liability company, professional association, cooperative, joint venture, trust, firm, institution, or association, with employees.

4. "invitee" means any business invitee, including a customer or visitor lawfully on the premises.

(b) Except as provided in paragraph (e), no employer, or landlord of an employer, shall establish, maintain, or enforce any policy or rule that prohibits or has the effect of prohibiting an employee or invitee in lawful possession of a firearm from parking a motor vehicle on any property used for that purpose when the employee or invitee is lawfully in such area and the firearm is actually locked inside or locked to the motor vehicle, unless, at its own election, the employer, or

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landlord of the employer, provides the employee or invitee with the opportunity to:

1. check, store, or secure the firearm of the employee or invitee subject to reasonable conditions; or

2. park in an onsite area set aside by the employer, or landlord of the employer, for parking motor vehicles with a firearm locked inside or locked to the motor vehicle. In the event the employer, or landlord of the employer, elects to provide such onsite area, it shall be as convenient as other employee or invitee parking and shall not be marked or posted as a special parking area for such purposes; or

3. notify the employer, or landlord of the employer, or their designee, that the employee or invitee intends, from time to time, to be in lawful possession of a firearm locked inside or locked to a motor vehicle.

(c)1. No employer, or landlord of an employer, or employee imposing or implementing a policy under paragraph (b), shall be liable in any civil or other action for any harm that arises out of, or results from, directly or indirectly, the use or threatened use of a firearm that was being transported and stored by an employee or invitee and was locked inside of or locked to a motor vehicle on any property owned or leased by an employer, or landlord of an employer, and used for parking motor vehicles. The immunity provided in this sub-paragraph extends to the vicarious liability of an employer or landlord of an employer that arises out of, or results from, directly or indirectly, the use or threatened use of a firearm that was being transported and stored by an employee or invitee and was locked inside of or locked to a motor vehicle on any property owned or leased by an employer, or landlord of an employer, and

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198 used for parking motor vehicles. The immunity provided in this
199 sub-paragraph shall not apply to any person who uses or
200 threatens to use a firearm or other weapon. The immunity
201 provided in this sub-paragraph shall not apply if the harm
202 involved was caused, in whole or in part, by the willful or
203 criminal misconduct of the employer, or landlord of the
204 employer, or a conscious and flagrant indifference to the safety
205 of the person or persons harmed.

206 2. A civil fine of \$10,000, per aggrieved employee or
207 invitee, shall be imposed for each violation of the prohibition
208 in paragraph (b).

209 (d) It is the intent of this subsection to reinforce and
210 protect the right of each law-abiding employee or invitee to
211 enter and exit any property owned or leased by an employer, or
212 landlord of an employer, and used for parking motor vehicles
213 while the employee or invitee is lawfully transporting and
214 storing a firearm in the motor vehicle and the firearm is locked
215 inside or locked to the motor vehicle, to avail himself or
216 herself of temporary or long-term parking or storage of a motor
217 vehicle, and to prohibit any infringement of the right to lawful
218 possession of the firearm when the firearm is being transported
219 and stored inside or locked to a motor vehicle for a lawful
220 purpose.

221 (e) The prohibition in paragraph (b) does not apply to:

222 1. property owned or leased by an employer, or landlord of
223 an employer, upon which are conducted activities involving
224 national defense, aerospace, or domestic security.

225 2. property owned or leased by an employer, or landlord of
226 an employer, upon which a significant portion of the business
227 conducted on such property involves the manufacture, use,

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storage, sale, or transportation of hazardous or ultra-hazardous materials regulated under state or federal law, including combustible or explosive materials.

3. a motor vehicle owned, leased, or rented by an employer, or landlord of an employer, or its agent.

4. any other property owned or leased by an employer, or landlord of an employer, where an employee or invitee is prohibited from having a firearm pursuant to any federal law or any existing state general law on the effective date of this act.

Section 2. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to lawful ownership, possession, and use of firearms; amending s. 790.25, F.S., relating to lawful ownership, possession, and use of firearms and other weapons; providing definitions; prohibiting specified employers and landlords of employers in certain circumstances from establishing, maintaining, or enforcing any policy or rule that prohibits certain employees and invitees from parking a motor vehicle on property set aside for such purpose when a secured firearm is being lawfully transported and stored in the motor vehicle; providing for specified immunity from liability; providing a civil penalty; providing intent; providing exceptions; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. 1A

Bill No. **HB 129**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input checked="" type="checkbox"/> (Y/N) (5/7)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

Council/Committee hearing bill: Judiciary

Representative Kottkamp offered the following:

Amendment to Amendment #1 by Representatives Simmons and Baxley

Remove lines 167-198 and insert:

motor vehicle.

(c)1. No employer, or landlord of an employer, or employee imposing or implementing a policy under paragraph (b), shall be liable for any harm that arises out of, or results from, the use of a firearm that was being transported and stored by an employee or invitee and was locked inside of or locked to a motor vehicle on any property owned or leased by an employer, or landlord of an employer, and used for parking motor vehicles. The immunity provided in this

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Amendment No. 2

Bill No. **HB 129**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Council/Committee hearing bill: Judiciary

Representative(s) Baxley & Kottkamp offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 790.251, Florida Statutes, is created to read:

790.251 Privacy and personal property protection; storage and transport of personal property locked inside or locked to a motor vehicle in a parking area; penalty; immunity from liability.--

(1) SHORT TITLE.--This act may be cited as the "Individual Personal Private Property Protection Act."

(2) LEGISLATIVE INTENT.--This act is intended to codify the longstanding legislative policy of this state that:

(a) Citizens have a constitutional right to privacy;

(b) Citizens have a constitutional right to possess and securely keep legal private property within their motor vehicles, particularly such property as is necessary for or incidental to their exercise of other constitutional rights; and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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21 (c) These rights are not abrogated by virtue of a
22 citizen's becoming a customer, employee, or invitee of a
23 business entity.

24 (3) LEGISLATIVE FINDINGS.--The Legislature finds that
25 citizens' lawful possession, transportation, and secure keeping
26 of certain private property within their motor vehicles is
27 essential to the exercise of fundamental constitutional rights,
28 including freedom of speech, freedom of association, the free
29 exercise of religion, and to keep and bear arms. The Legislature
30 finds that there is a compelling state interest to protect the
31 fundamental private property rights of the citizens of Florida.
32 The Legislature further finds that a citizen is not required and
33 should not be required to waive or abrogate his or her right to
34 possess and securely keep such constitutionally protected
35 private property locked within his or her motor vehicle by
36 virtue of becoming a customer, employee, or invitee of an
37 employer or a business establishment within the state.

38 (4) DEFINITIONS.--As used in this section, the term:

39 (a) "Aggrieved person" means any customer, employee, or
40 invitee as defined in this subsection.

41 (b) "Employee" means a person who works for salary, wages,
42 or other remuneration; is an independent contractor; or is a
43 volunteer, intern, or other similar individual for an employer.

44 (c) "Employer" means a business that is a sole
45 proprietorship, partnership, corporation, limited liability
46 company, professional association, cooperative, joint venture,
47 trust, firm, institution, association, or public-sector entity,
48 which has employees.

49 (d) "Invitee" means any business invitee, including a
50 customer or visitor, who is lawfully on the premises.

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51 (e) "Motor vehicle" means any automobile, truck minivan,
52 sports utility vehicle, motor home, recreational vehicle,
53 motorcycle, or motor scooter, or any other vehicle, which is
54 operated on the roads of this state and is required to be
55 registered under Florida law.

56 (f) "Parking lot" means any property that is owned or
57 leased by an employer, or a landlord of an employer, and used
58 for parking motor vehicles and that is available to customers,
59 employees, or invitees for temporary or long-term parking or
60 storage of motor vehicles.

61 (5) PROHIBITED ACTS.--A public or private entity may not
62 violate the constitutional rights of any customer, employee, or
63 invitee as provided in this subsection:

64 (a) A public or private entity may not prohibit any
65 customer, employee or invitee from possessing any lawfully held
66 personal property if such property is locked inside or to a
67 private motor vehicle in a parking lot when the customer,
68 employee, or invitee is lawfully in such area.

69 (b) A public or private entity may not violate the privacy
70 rights of a customer, employee, or invitee by verbal inquiry or
71 actual search of a private motor vehicle in a parking lot. A
72 search of a private motor vehicle may be conducted only by on
73 duty law enforcement personnel and must comply with the due
74 process requirements of the Constitution of the State of Florida
75 and the United States Constitution.

76 (c) An employer may not condition employment upon
77 preventing or prohibiting, or otherwise attempt to prevent or
78 prohibit, any customer, employee, or invitee from keeping locked
79 within the trunk, glove box, other enclosed compartment, or area
80 out of sight within a motor vehicle any property or material the
81 lawful possession of which is protected by, or the lawful use of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

82 which is incidental to, the exercise of individual rights
83 protected under the United States Constitution and the State
84 Constitution.

85 (d) An employer may not terminate the employment of or
86 otherwise discriminate against an employee, or expel a customer
87 or invitee, for exercising his or her constitutional right to
88 keep and bear arms or the right of self-defense as long as a
89 firearm is never exhibited on company property except for lawful
90 defensive purposes.

91
92 This section applies to all public-sector employers, including
93 those that are already prohibited from regulating firearms under
94 s. 790.33.

95 (6) IMMUNITY FROM LEGAL LIABILITY.--An employer or a
96 landlord of an employer is not liable in a civil action that
97 arises, directly or indirectly, out of or results from the theft
98 of or the threatened use or accidental or criminal use of a
99 firearm or any other legal property that was stored in the
100 private motor vehicle by a customer, employee, or invitee in a
101 parking lot owned or leased by an employer or the landlord of an
102 employer. The immunity provided in this subsection does not
103 apply to a person who uses or threatens to use a firearm or
104 other weapon in a criminal act. The immunity provided in this
105 subsection does not apply if the harm involved was caused, in
106 whole or in part, by the willful or criminal misconduct of the
107 employer or the landlord of the employer.

108 (7) ENFORCEMENT.--The Attorney General shall enforce the
109 protections of this act on behalf of an aggrieved person if
110 there is reasonable cause to believe that the customer,
111 employee, or invitee's rights under this act have been violated
112 by a public or private entity and shall commence a civil or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

administrative action for damages, injunctive relief, or civil penalties, and such other relief as may be appropriate under the laws of this state pursuant to s. 760.51, or may negotiate a settlement with an employer on behalf of an aggrieved person.

(8) The prohibitions in subsection (5) do not apply to:

(a) Property owned or leased by an employer, or the landlord of an employer, upon which are conducted substantial activities involving national defense, aerospace, or domestic security if the presence of such private property in a parking lot presents an increased danger of explosion or reasonably predictable catastrophic event.

(b) Property owned or leased by an employer, or the landlord of an employer, upon which the primary business conducted is the manufacture, use, storage, or transportation of combustible or explosive materials regulated under state or federal law if the presence of such products in a parking lot presents an increased danger of explosion or reasonably predictable catastrophic event.

(c) A motor vehicle owned, leased, or rented by an employer, or the landlord of an employer, or its agent.

(d) Any other property owned or leased by an employer, or the landlord of an employer, if a customer, employee, or invitee is prohibited from having a firearm or other legal product pursuant to any federal law or any general law of this state existing on the effective date of this act.

(e) Any school property as defined and regulated under s. 790.115.

(f) Any prison-facility grounds as defined and regulated under s. 944.47.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

142 (g) Uses of firearms and other weapons which are
143 prohibited under s. 790.25(2). The restrictions provided in that
144 subsection are not affected by this section.

145 Section 2. This act shall take effect upon becoming a law
146 and shall apply to causes of action that accrue on or after that
147 date.

148
149 ===== T I T L E A M E N D M E N T =====

150 Remove the entire title and insert:
151 An act relating to the protection of constitutional rights;
152 creating s. 790.251, F.S.; creating the "Individual Personal
153 Private Property Protection Act"; providing legislative intent
154 and legislative findings; defining terms; prohibiting a public
155 or private entity from violating the constitutional rights of a
156 customer, employee, or invitee by prohibiting or otherwise
157 deterring that person from having certain lawful items locked in
158 or to the person's private motor vehicle while it is in a
159 parking lot or by discouraging exercise of the right to keep and
160 bear arms; providing immunity from legal liability to an
161 employer or landlord of an employer for certain acts arising out
162 of another person's storing legal property in a private motor
163 vehicle parked on the employer's or landlord's property;
164 requiring the Attorney General to enforce this section on behalf
165 of an aggrieved person; providing exceptions to the prohibitions
166 imposed by the act; providing an effective date.

**EXPLANATION OF AMENDMENTS TO HB 371 CS:
CANCER DRUG DONATION PROGRAM - by Rep. Harrell**

Amdt 1 by Rep. Harrell (lines 177-191):

This amendment reverts back to the liability provisions found in the original bill as filed. The amendment immunizes donors of cancer drugs or supplies and program participants from civil and criminal liability and professional disciplinary action when they exercise reasonable care in donating, accepting, distributing, or dispensing cancer drugs or supplies. The CS does not include all participants, but only a "participant facility."

Additionally, the amendment limits non-liability to pharmaceutical manufacturers and only for injuries resulting from the transfer of any cancer drug under this program. The amendment would remove manufacturers of cancer supplies from this provision.

Amdt 2 by Rep. Harrell (line 21):

The amendment provides a specific appropriation of \$65,308 from the General Revenue Fund to fund the Department of Health's costs to administer the program.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. HB 371

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Judiciary Committee
Representative Harrell offered the following:

Amendment

Between line(s) 199 and 200 insert:

Section 2. There is hereby appropriated one full-time
equivalent position at salary rate 42,715 and recurring funding
from the General Revenue Fund \$65,308 for fiscal year 2006-07,
for the purpose of implementing the provisions of section 1 of
this act creating the Cancer Drug Donation Program.

[Renumber subsequent sections]

===== T I T L E A M E N D M E N T =====

On line 30 after the semicolon (;) insert:

providing an appropriation;

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**EXPLANATION OF AMENDMENTS TO HB 849:
REGULATION OF COURT INTERPRETERS - by Rep. Flores**

Amdt 1 by Rep. Flores (lines 16 and 20):

This amendment clarifies that the court interpreter program is for foreign language, not sign language, interpreters.

Amdt 2 by Rep. Flores (line 21):

The amendment would remove the requirement that fees charged by the Supreme Court “partially” fund the court interpreter program and in so doing leave it within the discretion of the Supreme Court to impose fees in an amount that either partially or fully funds the court interpreter program.

[With this amendment, the bill would mirror the approach taken in the mediation certification program.]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 849**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Judiciary
Representative Flores offered the following:

Amendment (with directory and title amendments)

On lines 16 and 20 before the word "court" insert:

foreign language

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:

discipline, and training of appointed foreign language court
interpreters;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. **HB 849**

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

Council/Committee hearing bill: Judiciary

Representative Flores offered the following:

Amendment (with directory and title amendments)

On line 21 remove "partially"

===== T I T L E A M E N D M E N T =====

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**EXPLANATION OF AMENDMENTS TO HB 1099:
COURT ACTIONS INVOLVING FAMILIES - by Rep. Planas**

Amdt 1 by Rep. Planas (remove everything after the enacting clause):

This strike-all amendment differs from the bill as filed by rewording the Legislative Intent language and placing it in eleven separate statutes relating to court proceedings involving children and families. The bill as filed placed the language in only three separate statutes.

[For Further Information -

The Amendment will add the proposed Legislative Intent language to statutes related to the following court proceedings:

- Chapter 39 - Proceedings Relating to Children
- Chapter 61 - Dissolution of Marriage
- Chapter 63 - Adoption
- Section 68.07 - Name Change
- Chapter 88 - Uniform Interstate Family Support Act
- Chapter 741 - Marriage; Domestic Violence
- Chapter 742 - Determination of Parentage
- Chapter 743 - Disability of Nonage of Minors Removed
- Chapter 984 - Children and Families in Need of Services
- Chapter 985 - Delinquency; Interstate Compact on Juveniles
- Chapter 1003 - Part II - School Attendance

The Legislative intent and purposes proposed by the amendment include:

- *To provide all children and families with a fully integrated, comprehensive approach to handling all cases that involve children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner.*
- *That the courts embrace methods of resolving disputes that do not cause additional emotional harm to the children and families who are required to interact with the judicial system.*
- *To support the development of a unified family court and to support the state courts system's efforts to improve the resolution of disputes involving children and families through a fully integrated, comprehensive approach that includes: coordinated case management; one family, one judge; collaboration with the community for referral to needed services; and alternative dispute resolution.*
- *To support the goal that the legal system should focus on the needs of children who are involved in the litigation, refer families to resources that will make their relationships stronger, coordinate their cases to provide consistent results, and strive to leave families in better condition than when they entered the system.]*

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Bill No. **HB 1099**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Judiciary

Representative Planas offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (n) is added to subsection (1) of section 39.001, Florida Statutes, to read:

39.001 Purposes and intent; personnel standards and screening.--

(1) PURPOSES OF CHAPTER.--The purposes of this chapter are:

(n) To provide all children and families with a fully integrated, comprehensive approach to handling all cases that involve children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner. It is the intent of the Legislature that the courts embrace methods of resolving disputes that do not cause additional emotional harm to the children and families who are required to interact with the judicial system. It is the intent of the Legislature to support the development of a unified family court and to support the state courts system's efforts to improve the resolution of disputes involving children and

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23 families through a fully integrated, comprehensive approach that
24 includes: coordinated case management; "one family, one judge;"
25 collaboration with the community for referral to needed
26 services; and methods of alternative dispute resolution. The
27 Legislature supports the goal that the legal system should focus
28 on the needs of children who are involved in the litigation,
29 refer families to resources that will make their relationships
30 stronger, coordinate their cases to provide consistent results,
31 and strive to leave families in better condition than when they
32 entered the system.

33 Section 2. Paragraph (d) is added to subsection (2) of
34 section 61.001, Florida Statutes, to read:

35 61.001 Purpose of chapter.--

36 (2) Its purposes are:

37 (d) To provide all children and families with a fully
38 integrated, comprehensive approach to handling all cases that
39 involve children and families, while at the same time resolving
40 family disputes in a fair, timely, efficient, and cost-effective
41 manner. It is the intent of the Legislature that the courts
42 embrace methods of resolving disputes that do not cause
43 additional emotional harm to the children and families who are
44 required to interact with the judicial system. It is the intent
45 of the Legislature to support the development of a unified
46 family court and to support the state courts system's efforts to
47 improve the resolution of disputes involving children and
48 families through a fully integrated, comprehensive approach that
49 includes: coordinated case management; "one family, one judge;"
50 collaboration with the community for referral to needed
51 services; and methods of alternative dispute resolution. The
52 Legislature supports the goal that the legal system should focus
53 on the needs of children who are involved in the litigation,

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54 refer families to resources that will make their relationships
55 stronger, coordinate their cases to provide consistent results,
56 and strive to leave families in better condition than when they
57 entered the system.

58 Section 3. Subsection (6) is added to section 63.022,
59 Florida Statutes, to read:

60 63.022 Legislative intent.--

61 (6) It is the intent of the Legislature to provide all
62 children and families with a fully integrated, comprehensive
63 approach to handling all cases that involve children and
64 families, while at the same time resolving family disputes in a
65 fair, timely, efficient, and cost-effective manner. It is the
66 intent of the Legislature that the courts embrace methods of
67 resolving disputes that do not cause additional emotional harm
68 to the children and families who are required to interact with
69 the judicial system. It is the intent of the Legislature to
70 support the development of a unified family court and to support
71 the state courts system's efforts to improve the resolution of
72 disputes involving children and families through a fully
73 integrated, comprehensive approach that includes: coordinated
74 case management; "one family, one judge;" collaboration with the
75 community for referral to needed services; and methods of
76 alternative dispute resolution. The Legislature supports the
77 goal that the legal system should focus on the needs of children
78 who are involved in the litigation, refer families to resources
79 that will make their relationships stronger, coordinate their
80 cases to provide consistent results, and strive to leave
81 families in better condition than when they entered the system.

82 Section 4. Subsection (9) is added to section 68.07,
83 Florida Statutes, to read:

84 68.07 Change of name.--

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85 (9) It is the intent of the Legislature to provide all
86 children and families with a fully integrated, comprehensive
87 approach to handling all cases that involve children and
88 families, while at the same time resolving family disputes in a
89 fair, timely, efficient, and cost-effective manner. It is the
90 intent of the Legislature that the courts embrace methods of
91 resolving disputes that do not cause additional emotional harm
92 to the children and families who are required to interact with
93 the judicial system. It is the intent of the Legislature to
94 support the development of a unified family court and to support
95 the state courts system's efforts to improve the resolution of
96 disputes involving children and families through a fully
97 integrated, comprehensive approach that includes: coordinated
98 case management; "one family, one judge;" collaboration with the
99 community for referral to needed services; and methods of
100 alternative dispute resolution. The Legislature supports the
101 goal that the legal system should focus on the needs of children
102 who are involved in the litigation, refer families to resources
103 that will make their relationships stronger, coordinate their
104 cases to provide consistent results, and strive to leave
105 families in better condition than when they entered the system.

106 Section 5. Section 88.1041, Florida Statutes, is created
107 to read:

108 88.1041 Legislative intent.--It is the intent of the
109 Legislature to provide all children and families with a fully
110 integrated, comprehensive approach to handling all cases that
111 involve children and families, while at the same time resolving
112 family disputes in a fair, timely, efficient, and cost-effective
113 manner. It is the intent of the Legislature that the courts
114 embrace methods of resolving disputes that do not cause
115 additional emotional harm to the children and families who are

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116 required to interact with the judicial system. It is the intent
117 of the Legislature to support the development of a unified
118 family court and to support the state courts system's efforts to
119 improve the resolution of disputes involving children and
120 families through a fully integrated, comprehensive approach that
121 includes: coordinated case management; "one family, one judge;"
122 collaboration with the community for referral to needed
123 services; and methods of alternative dispute resolution. The
124 Legislature supports the goal that the legal system should focus
125 on the needs of children who are involved in the litigation,
126 refer families to resources that will make their relationships
127 stronger, coordinate their cases to provide consistent results,
128 and strive to leave families in better condition than when they
129 entered the system.

130 Section 6. Subsection (3) is added to section 741.2902,
131 Florida Statutes, to read:

132 741.2902 Domestic violence; legislative intent with
133 respect to judiciary's role.--

134 (3) It is the intent of the Legislature to provide all
135 children and families with a fully integrated, comprehensive
136 approach to handling all cases that involve children and
137 families, while at the same time resolving family disputes in a
138 fair, timely, efficient, and cost-effective manner. It is the
139 intent of the Legislature that the courts embrace methods of
140 resolving disputes that do not cause additional emotional harm
141 to the children and families who are required to interact with
142 the judicial system. It is the intent of the Legislature to
143 support the development of a unified family court and to support
144 the state courts system's efforts to improve the resolution of
145 disputes involving children and families through a fully
146 integrated, comprehensive approach that includes: coordinated

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147 case management; "one family, one judge;" collaboration with the
148 community for referral to needed services; and methods of
149 alternative dispute resolution. The Legislature supports the
150 goal that the legal system should focus on the needs of children
151 who are involved in the litigation, refer families to resources
152 that will make their relationships stronger, coordinate their
153 cases to provide consistent results, and strive to leave
154 families in better condition than when they entered the system.

155 Section 7. Section 742.016, Florida Statutes, is created
156 to read:

157 742.016 Legislative intent.--It is the intent of the
158 Legislature to provide all children and families with a fully
159 integrated, comprehensive approach to handling all cases that
160 involve children and families, while at the same time resolving
161 family disputes in a fair, timely, efficient, and cost-effective
162 manner. It is the intent of the Legislature that the courts
163 embrace methods of resolving disputes that do not cause
164 additional emotional harm to the children and families who are
165 required to interact with the judicial system. It is the intent
166 of the Legislature to support the development of a unified
167 family court and to support the state courts system's efforts to
168 improve the resolution of disputes involving children and
169 families through a fully integrated, comprehensive approach that
170 includes: coordinated case management; "one family, one judge;"
171 collaboration with the community for referral to needed
172 services; and methods of alternative dispute resolution. The
173 Legislature supports the goal that the legal system should focus
174 on the needs of children who are involved in the litigation,
175 refer families to resources that will make their relationships
176 stronger, coordinate their cases to provide consistent results,

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177 and strive to leave families in better condition than when they
178 entered the system.

179 Section 8. Section 743.001, Florida Statutes, is created
180 to read:

181 743.001 Legislative intent.--It is the intent of the
182 Legislature to provide all children and families with a fully
183 integrated, comprehensive approach to handling all cases that
184 involve children and families, while at the same time resolving
185 family disputes in a fair, timely, efficient, and cost-effective
186 manner. It is the intent of the Legislature that the courts
187 embrace methods of resolving disputes that do not cause
188 additional emotional harm to the children and families who are
189 required to interact with the judicial system. It is the intent
190 of the Legislature to support the development of a unified
191 family court and to support the state courts system's efforts to
192 improve the resolution of disputes involving children and
193 families through a fully integrated, comprehensive approach that
194 includes: coordinated case management; "one family, one judge;"
195 collaboration with the community for referral to needed
196 services; and methods of alternative dispute resolution. The
197 Legislature supports the goal that the legal system should focus
198 on the needs of children who are involved in the litigation,
199 refer families to resources that will make their relationships
200 stronger, coordinate their cases to provide consistent results,
201 and strive to leave families in better condition than when they
202 entered the system.

203 Section 9. Paragraph (g) is added to subsection (1) of
204 section 984.01, Florida Statutes, to read:

205 984.01 Purposes and intent; personnel standards and
206 screening.--

207 (1) The purposes of this chapter are:

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208 (g) To provide all children and families with a fully
209 integrated, comprehensive approach to handling all cases that
210 involve children and families, while at the same time resolving
211 family disputes in a fair, timely, efficient, and cost-effective
212 manner. It is the intent of the Legislature that the courts
213 embrace methods of resolving disputes that do not cause
214 additional emotional harm to the children and families who are
215 required to interact with the judicial system. It is the intent
216 of the Legislature to support the development of a unified
217 family court and to support the state courts system's efforts to
218 improve the resolution of disputes involving children and
219 families through a fully integrated, comprehensive approach that
220 includes: coordinated case management; "one family, one judge;"
221 collaboration with the community for referral to needed
222 services; and methods of alternative dispute resolution. The
223 Legislature supports the goal that the legal system should focus
224 on the needs of children who are involved in the litigation,
225 refer families to resources that will make their relationships
226 stronger, coordinate their cases to provide consistent results,
227 and strive to leave families in better condition than when they
228 entered the system.

229 Section 10. Paragraph (j) is added to subsection (1) of
230 section 985.02, Florida Statutes, to read:

231 985.02 Legislative intent for the juvenile justice
232 system.--

233 (1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose of
234 the Legislature that the children of this state be provided with
235 the following protections:

236 (j) a fully integrated, comprehensive approach to handling
237 all cases that involve children and families, while at the same
238 time resolving family disputes in a fair, timely, efficient, and

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239 cost-effective manner. It is the intent of the Legislature that
240 the courts embrace methods of resolving disputes that do not
241 cause additional emotional harm to the children and families who
242 are required to interact with the judicial system. It is the
243 intent of the Legislature to support the development of a
244 unified family court and to support the state courts system's
245 efforts to improve the resolution of disputes involving children
246 and families through a fully integrated, comprehensive approach
247 that includes: coordinated case management; "one family, one
248 judge;" collaboration with the community for referral to needed
249 services; and methods of alternative dispute resolution. The
250 Legislature supports the goal that the legal system should focus
251 on the needs of children who are involved in the litigation,
252 refer families to resources that will make their relationships
253 stronger, coordinate their cases to provide consistent results,
254 and strive to leave families in better condition than when they
255 entered the system.

256 Section 11. Section 1003.20, Florida Statutes, is created
257 to read:

258 1003.20 Legislative intent.--It is the intent of the
259 Legislature to provide all children and families with a fully
260 integrated, comprehensive approach to handling all cases that
261 involve children and families, while at the same time resolving
262 family disputes in a fair, timely, efficient, and cost-effective
263 manner. It is the intent of the Legislature that the courts
264 embrace methods of resolving disputes that do not cause
265 additional emotional harm to the children and families who are
266 required to interact with the judicial system. It is the intent
267 of the Legislature to support the development of a unified
268 family court and to support the state courts system's efforts to
269 improve the resolution of disputes involving children and

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270 families through a fully integrated, comprehensive approach that
271 includes: coordinated case management; "one family, one judge;"
272 collaboration with the community for referral to needed
273 services; and methods of alternative dispute resolution. The
274 Legislature supports the goal that the legal system should focus
275 on the needs of children who are involved in the litigation,
276 refer families to resources that will make their relationships
277 stronger, coordinate their cases to provide consistent results,
278 and strive to leave families in better condition than when they
279 entered the system.

280 Section 12. This act shall take effect July 1, 2006.

281
282
283 ===== T I T L E A M E N D M E N T =====

284 Remove the entire title and insert:

285
286 An act relating to court actions involving families; amending
287 ss. 39.001, 61.001, 63.022, 68.07, 741.2902, 984.01, and 985.02,
288 F.S.; creating ss. 88.1041, 742.016, 743.001, and 1003.20, F.S.;
289 providing additional purposes relating to implementing a unified
290 family court program in the circuit courts; providing
291 legislative intent; providing an effective date.